IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. Nos. 19102 & 19844 OF 2005

Date: 03.10.2005

W.P.No. 19102 of 2005

BETWEEN:

1. G. Tirupala Reddy

…. PETITIONER

And

1. The District Collector, Kadapa District, Kadapa, and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos. 19102 & 19844 OF 2005

COMMON ORDER:

These two writ petitions are interrelated and therefore being disposed of by this common order. W.P.No.19102 of 2005 is filed by one G. Tirupala Reddy, resident of Y.V. Street, Kadapa, challenging the action of the Mandal Revenue Officer, Kadapa (MRO) in issuing a notice of enquiry dated 10.8.2005 calling upon the petitioner and one J. Raghunatha Reddy to appear before the MRO with relevant documents and records for the purpose of appropriate decision in the matter. J. Raghunatha Reddy filed W.P.No.19844 of 2005 challenging the proceedings dated 15.6.2005 in reference No.1389/2004 allegedly issued by the MRO, Kadapa wherein it is mentioned that Tirupala Reddy and two others have absolute rights in the lands in S.Nos.603 to 605 and 611 of Ukkayapalli village, as illegal and violative of principles of natural justice.

Tirupala Reddy claims that he has inherited the properties in question through his

mother and that his father submitted a representation to MRO requesting to transfer the entries in respect of the above lands in favour of Tirupala Reddy by duly changing the name of his father. According to him, the MRO conducted enquiry with reference to revenue records and issued pattadar passbook, by reason of which he alone is continuing in possession. Again when there was interference, he and others filed O.S.No.20 of 2005 for permanent injunction on the file of the Court of the Senior Civil Judge, Kadapa, who passed an order of temporary injunction against the fourth respondent. At that stage, an enquiry was conducted by the MRO, Kadapa, who by proceedings dated 15.6.2005 held that the lands are belonging to the family of Tirupala Reddy, but still another enquiry was initiated by issuing notice dated 10.8.2005, which is illegal and arbitrary.

The contra case of Raghunatha Reddy in brief is that the lands in S.Nos.603 to 605 and 611 of Ukkayapalli village were in peaceful possession of his father Laxminarayana Reddy, till his death in 1988. After the death of his father he came into possession and his name was mutated in the revenue records. However, respondents 5 to 8 obtained pattadar passbooks, aggrieved by which Raghunatha Reddy filed an appeal before the Revenue Divisional Officer, Kadapa (RDO). At that stage Tirupala Reddy filed W.P.No.556 of 2005 questioning the notice issued by the RDO and this Court disposed of the writ petition giving liberty to Tirupala Reddy to raise all his objections before the RDO. The enquiry was accordingly initiated, and while the enquiry was still pending, the MRO, Kadapa issued a notice dated 13.6.2005 directing Raghunatha Reddy and others to appear before him for enquiry on 16.6.2005 at 11.00 a.m. However, the impugned order dated 15.6.2005 was passed by the MRO affirming right of Tirupala Reddy and two others, which is illegal.

When the matters were heard at preliminary stage, the learned Assistant Government Pleader on instructions brought to the notice of this Court that Ref.No.1389/2004 dated 15.6.2005 is a forged document and the MRO, Kadapa never issued the same. Today a counter affidavit is filed along with necessary material to show that on 15.6.2005 one G. Venkateswarlu was the MRO, and that he never issued the proceedings dated 15.6.2005 and that it is a forged document. Indeed, the record/proceedings notified in file No.B/389/2004 would show that the enquiry into the right and possession of the rival parties is still pending before the MRO, Kadapa. In the counter affidavit the present MRO Sri R. Chenna Kesava Reddy stated as under.

> I have verified the records and my predecessor has issued last notice on 13.6.2005 asking the parties to appear for enquiry on 16.6.2005. If the enquiry is posted to 16.6.2005 there cannot be any possible explanation for final orders being passed on 15.6.2005 itself. Hence entertaining a genuine doubt of the proceedings, I have sent the copy of the proceedings 15.6.2005 to my predecessor who was working as Deputy Tahsildar at District Supply Office, Chittoor. After receiving the said letter, my predecessor in office Mr.G.Venkateswarlu addressed a letter dated 21.9.2005 clearly stating that the proceedings said to have been issued on 15.8.2005 is not the proceedings given by him and he has clearly stated that the proceedings said to have been given by him is a forged one and requested me to file a criminal complaint against the petitioner. Thus in view of the clarification made by my predecessor in my office, it is decided to refer the matter to the police after intimating the same to the District Collector, Kadapa. Thus it is evident that the proceedings dt.15.6.2005 said to have been issued by my predecessor is not a genuine one and fabricated by the writ petitioner for his personal gains. The said proceedings also do not form part of the record maintained by my office.

The writ petition filed by G. Tirupala Reddy being W.P.No.19102 of 2005 is therefore must be dismissed, as the petitioner has not approached this Court with clean hands. He has approached this Court by relying on a forged document for which the District Collector, RDO and MRO are contemplating criminal action against G. Tirupala Reddy. In view of the categorical averments made by the present MRO that Ref.No.1389/2004 dated 15.6.2005 is a forged one, which does not form part of the record of the MRO, Kadapa, the same cannot be given any legal effect.

Accordingly, W.P.No.19102 of 2005 is dismissed and W.P.No.19844 of 2005 is disposed of observing that the proceedings in reference No.1389/2004 dated 15.6.2005 has no legal effect and unenforceable. No costs.

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(**V.V.S. RAO, J.)**

3rd October, 2005

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